

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: <b>Katherine M. Burnett <i>et al.</i></b>	)	Confirmation No. <b>4660</b>
	)	
Application No. <b>10/722,134</b>	)	Group Art Unit: <b>1617</b>
	)	
Filed: <b>November 26, 2003</b>	)	Examiner: <b>Abigail M. Cotton</b>
	)	
For: <b>Anhydrous Topical Skin Preparations</b>	)	<u>Date: August 13, 2007</u>

**PETITION FOR PAYMENT OF FEE DEFICIENCY UNDER 37 C.F.R. § 1.28(c)**

This is a Petition under 37 C.F.R. § 1.28(c) for payment of a fee deficiency in the above-identified application because the Applicants do not qualify for small entity status. The Commissioner is authorized to charge Deposit Account 50-0310 in the amount of \$2,235.00 for payment of the fee deficiency as set forth in the accompanying fee transmittal form (PTO/SB/17).

The payment of the deficient fee, based on previous erroneous payments of fees at the small entity rate, and submitted herewith under paragraph (c), serves under paragraph (d) as notification that the Applicants in the above referenced application do not, and did not at any time, qualify for small entity status. The payment of the fees set forth below at the small entity rate occurred in error and without any deceptive intent on behalf of the Applicants.

The deficiency fee has been itemized as follows:

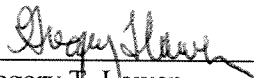
Fee & Date	Amount Paid	Current Fee - Large Entity	Deficiency
3 month EOT, 04/18/2006	\$510.00	\$1,020.00	\$510.00
Notice of Appeal, 04/18/2006	\$250.00	\$500.00	\$250.00
5 month EOT, 11/20/2006	\$1,080.00	\$2,160.00	\$1,080.00
RCE, 11/20/2006	\$395.00	\$790.00	\$395.00
<b>TOTAL DEFICIENCY</b>			<b>\$2,235.00</b>

The Commissioner is authorized to charge Deposit Account 50-0310 in the amount \$2,235.00 for payment of the fee deficiency. In view of the deficiency payment, Applicants submit that no additional back fees are due in the present application. If however, any such fees are due, the Commissioner is hereby authorized to charge any additional fees which may be required with the filing of this petition,

including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Dated: **August 13, 2007**  
Morgan, Lewis & Bockius LLP  
Customer No. **09629**  
1111 Pennsylvania Ave., N.W.  
Washington, D.C. 2004  
202-739-3000

Respectfully submitted,  
**Morgan, Lewis & Bockius LLP**

  
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Gregory T. Lowen  
Registration No. 46,882